

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Robert Lewis, Jr., on behalf of
himself and all others similarly
situated,

Plaintiff,

V.

4th Ave. Marketing, LLC

Defendant.

CIVIL ACTION FILE
NO. 1:25-cv-2764-MLB

**JOINT MOTION FOR LIMITED STAY AND
TO EXTEND THE TIME FOR THE PLAINTIFF
TO FILE A MOTION FOR CLASS CERTIFICATION**

COME NOW, Plaintiff Robert Lewis, Jr. (“Lewis” or “Plaintiff”) and Defendant 4th Ave. Marketing, LLC (“4th Ave.” or “Defendant”), and respectfully request that the Court enter an Order staying deadlines in this matter for a period of ninety (90) days, in order to allow the Parties to conduct limited discovery. The parties also request that the Plaintiff be able to file his motion for class certification at a time that is Ordered by the Court when a joint proposed Scheduling Order is issued.

In support of this Motion, the Parties show the Court as follows:

1. On May 18, 2025, Plaintiff filed its Class Action Complaint, alleging

violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 on behalf of a national class. Defendant's Answer to the Class Action Complaint is currently due on July 3, 2025. Pursuant to Local Rule 23.1(B), Plaintiff's Motion for Class Certification is currently due on August 16, 2025.

2. Defendant intends to file a Motion to Compel Arbitration and to stay the case except to allow limited discovery on the issue of arbitrability. Plaintiff denies entering into an arbitration agreement with Defendant or that arbitration is appropriate. Counsel for the Parties have met and conferred and have agreed that engaging in limited discovery now on the issue of arbitrability may alleviate unnecessary motion practice, narrow the issues of the case, and result in early resolution or at least save time and expense. Specifically, Defendant intends to promptly issue a subpoena to AT&T to obtain subscriber records for the IP Address of the individual who visited Defendant's website, and, if necessary deposition subpoenas to verify the identity of the website visitor.

3. As such, the Parties request a stay of all other proceedings, including their obligations under Federal Rule 16 and Plaintiff's deadline for filing a motion for class certification under Local Rule 23.1(B), for a period of ninety (90) days, to allow them to engage in limited discovery on the issue of mandatory arbitration. This Court has "broad discretion over the management of pre-trial activities, including discovery and scheduling." *Johnson v. Bd. of Regents of Univ. of Ga.*, 263

F.3d 1234, 1269 (11th Cir. 2001); *see also*, *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1366 (11th Cir. 1997) (“[D]istrict courts enjoy broad discretion in deciding how best to manage the cases before them.”) This stay is sought in good faith and not for the purposes of delay. Rather, both Parties agree that limited discovery on the issue of mandatory arbitration would promote judicial economy and could narrow or eliminate the issues before this Court. By seeking this extension, neither Party waives, and expressly preserves its rights.

WHEREFORE, the Parties respectfully request that this Motion be granted and the Court enter an Order providing that all proceedings in this case, with the exception of limited discovery on the issue of arbitrability, be stayed for a period of ninety (90) days from the date of the Court’s Order. A proposed Order is attached.

Respectfully submitted this 26th day of June, 2025.

CONSENTED TO BY:

PARONICH LAW, PC

By: /s/ Anthony I. Paronich

(Signed by J. Adler with express permission)

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PREPARED BY:

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RULE 7.1D CERTIFICATE OF TYPE, FORMAT AND FONT SIZE

Pursuant to Local Rule 7.1D of the United States District Court of the Northern District of Georgia, the undersigned certifies that the foregoing submission to the Court was computer-processed, double-spaced between lines, and used Times New Roman font of 14 point size.

By: /s/ Jennifer A. Adler

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of the within and foregoing to be served on counsel for Plaintiffs by electronically filing the same with the Court via the CM/ECF system, with the Clerk of Court providing notice to the following counsel of record:

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This 26th day of June, 2025.

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